



## Department of Environmental Quality Waste and Hazardous Materials Division

### INSTRUCTIONS FOR: **LICENSE TO OPERATE A SOLID WASTE DISPOSAL AREA**

*Part 115, Solid Waste Management, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, requires that a person proposing the establishment of a disposal area shall make application for a license to operate on a form provided by the Department of Environmental Quality (DEQ). The DEQ has provided form EQP 5507 that contains three pages. Page one is the application form itself, page two is the FACILITY AREA SUMMARY, and page three is the APPLICATION FEE WORKSHEET/TABLE. In addition there is a four page financial assurance form. The following instructions are to assist the applicant in completing the three page form EQP 5507. If additional help is needed, please contact your local health officer or the Waste and Hazardous Materials Division (WHMD) District Office. The location of district offices can be found on DEQ's WHMD website, <http://www.michigan.gov/deqwhmd>. In the right hand column "Useful WHMD Links," click on "District Offices WHMD Map". This is the current direct link to the WHMD district office map: <http://www.deq.state.mi.us/documents/deq-whm-adm-officemap.pdf>*

Light shading is used where WHMD has given instruction or listed information. Dark shading is used where no response is to be recorded.

### **Page 1 of 3: LICENSE TO OPERATE A SOLID WASTE DISPOSAL AREA APPLICATION**

#### **SECTION I. FACILITY NAME AND LOCATION**

A solid waste disposal area includes landfills, processing plants, solid waste transfer stations, waste piles, and surface impoundments. (NOTE: Two or more disposal areas may be combined into one facility on a single license. If a separate license for each disposal area is desired, then a separate application needs to be made for each individual disposal area.)

In the space titled "LEGAL NAME OF FACILITY" record the legal name of the solid waste disposal area as established by the applicant. The "LEGAL NAME OF FACILITY" will be used as the facility name in all subsequent applications for licensing and/or permitting and by WHMD on subsequent licenses and permits as well as for internal administrative purposes. The "NAME OF FACILITY" can be changed by submitting a written request to the District Office or noting the name change on an application for license renewal. In the space titled "WDS ID NUMBER" record the WDS ID number that the state has assigned to this facility. The "ADDRESS" (including the "CITY," "STATE," and "ZIP CODE") is the street address or mailing address of the facility and not the legal description. The legal description will be included as one of the attachments in "SECTION VII, FEE AND APPLICATION DOCUMENTS." In the space titled "LEGAL NAME OF FACILITY OWNER" record the name of the individual, partnership, corporation, association, governmental entity, or other legal entity who owns the facility. The Legal Name of the Facility Owner will be listed on the license as the "FACILITY OWNER."

## SECTION II. OPERATOR / APPLICANT

In the space titled "LEGAL NAME OF OPERATOR/APPLICANT" record the name of the individual, partnership, corporation, association, governmental entity, or other legal entity who will operate the facility. NOTE: This is to whom the license will be granted (i.e., will be listed on the license as the "LICENSEE/OPERATOR").

In the space titled "MICHIGAN CORPORATE ID NUMBER" record the six digit corporate ID number assigned by the Michigan Department of Labor and Economic Growth, Corporation Division. A search to determine if an entity is formed in Michigan and its status, including the assigned number, may be made at:

[http://www.dleg.state.mi.us/bcs\\_corp/sr\\_corp.asp](http://www.dleg.state.mi.us/bcs_corp/sr_corp.asp).

NOTE: Municipally owned facilities are not apt to have a Michigan Corporate ID Number; it is suggested that they either record "NA" or "municipality" in this blank.

The operator's address ["ADDRESS (MAILING)"] is the residential address for an individual and the business address for all other entities. In the space titled "RESPONSIBLE INDIVIDUAL (employed by the operator)" record the name of the individual who is responsible for the daily operation and maintenance of the solid waste disposal area. The "RESPONSIBLE INDIVIDUAL" is whom WHMD would contact if there were subsequent questions relative to the operation and maintenance of the facility and who will be listed on the license as the "RESPONSIBLE INDIVIDUAL." WHMD will use the "ADDRESS (MAILING)" for the address listed on the 'face' of the license under the "RESPONSIBLE INDIVIDUAL" as the address where official correspondence will be sent unless the applicant makes a specific written request otherwise. In the space titled "PERSON PREPARING APPLICATION" record the name of the individual who most likely compiled the application and whom WHMD would call if there were subsequent questions relative to the application. Frequently, the "RESPONSIBLE INDIVIDUAL" and the "PERSON PREPARING APPLICATION" are the same person. If this is the case, record duplicate information in both lines.

## SECTION III. PROPERTY OWNER(S)/MINERAL RIGHTS OWNER(S)

In the space titled "PROPERTY OWNER/MINERAL RIGHTS OWNER" record the name of the individual, partnership, corporation, association, governmental entity, or other legal entity who owns the property and mineral rights. The "PROPERTY OWNER/MINERAL RIGHTS OWNER" will be listed on the license as the "PROPERTY OWNER."

If the "PROPERTY OWNER/MINERAL RIGHTS OWNER" is not the same person or if there is **more than one owner**, please indicate so by typing "See attached Owners List." Identify all owners [and what they own (property and/or mineral rights)]. Record also the "CONTACT PERSON" if different from each Property or Mineral Rights Owner and the "TELEPHONE," "ADDRESS," "CITY," "STATE," and "ZIP CODE" of each Property Owner/Mineral Rights Owner or Contact Person on the attached Owners List.

The owner means any person with an ownership interest in the solid waste disposal area including both the disposal area and the property on which it sits. For an application for a *greenfield* site, the owner is most likely the person who owns the property. For an application for expansion or change, the owner may be more than one person.

If the Property Owner has a Contact Person, in the space titled "CONTACT PERSON" record the name of the contact person, otherwise record "N/A" in this area. The "TELEPHONE," "ADDRESS," "CITY," "STATE," and "ZIP CODE" are those of the Contact Person(s), if listed, otherwise, they will be those of the Owner.

#### SECTION IV. APPLICATION TYPE

There are five check boxes. Only one check box will be checked per application. Check the appropriate box(s). Check boxes include:

- ☐ "First Application for a New Disposal Area" for the first time that an application is made to license the solid waste disposal area.
- ☐ "Renewal of Previous Activities" for the biennial (every two years) renewal of a license which is due to expire.
- ☐ "Renewal with application for additional authorization" for an application to increase the area authorized to receive solid waste. (Note: This is applicable to solid waste landfills only.)
- ☐ "Change in Owner" when the facility is sold and a new owner is required to obtain authorization.
- ☐ "Previous License Expired" for an application to continue operations after a license has expired.

#### SECTION V. CONSTRUCTION PERMIT

In the space titled "CONSTRUCTION PERMIT" list the Construction Permit Number and issuance Date of each Construction Permit that currently applies to the facility. Do not list Construction Permits that have been **completely** superseded. If additional room is needed (such as when numerous permits are concurrently in effect) indicate so in the area provided, such as "Permits are listed on attached sheet" and attach the appropriate information.

#### SECTION VI. TYPE OF DISPOSAL AREA

This section gives information describing the facility and indicates the requested authorization. There are three columns of check boxes. The left column identifies the Type of Disposal Area. Check each applicable check box for each Type of Disposal Area that is at the facility. More than one check box in the 'left' column of check boxes may be checked as two or more disposal areas may be combined into one facility and a single license. The right two columns give information about each of the disposal areas. For each check box that is checked in the left column, at least one check box in the right two columns ["RENEWAL" or "NEW"] will also be checked. If the application is requesting re-authorization check the "RENEWAL" check box. If the application is for the initial authorization of a new facility, or for a first-time authorization of a new portion of a landfill unit, or for an increased capacity of a Solid Waste Transfer Facility or Processing Plant, check the "NEW" check box. (NOTE: Both the "RENEWAL" and "NEW" check boxes may be checked.) (NOTE: If a separate license for separate disposal areas is desired, submit a separate application for each disposal area.)

## SECTION VII. FEE AND APPLICATION DOCUMENTS

Each line of this section requires a response regardless of the type of facility.

Attach a *copy* of the "LICENSE TO OPERATE APPLICATION FEE WORKSHEET/TABLE" and check the **Attached** checkbox. Similarly, attach a *copy* of the Application Fee check, check the **Attached** checkbox, and, in the space titled "Amount \$\_\_\_\_\_" enter the amount of the "APPLICATION FEE TOTAL" from the "APPLICATION FEE WORKSHEET/TABLE." (Page 3 of 3 of this Application).

**NOTE:** The procedure for the submittal of checks and direct financial assurance payment is new. The original WORKSHEET and FEE are to be sent to the Cashiers Office per the instruction on the WORKSHEET; a *copy* of each is to be submitted as an attachment to the application. In addition, Cash bond(s) are to be submitted directly to the DEQ's Cashier's Office; a *copy* of each cash bond is to be submitted with the application.

**Construction Certification** line: Check whichever of the two check boxes applies, (either there was new construction for which authorization is being sought for the first time and the construction certification is attached, or there was no new construction).

**Declaration of Restrictive Covenant:** Type II and Type III landfills should check whichever of the right two check boxes applies, either a new Restrictive Covenant is attached, or the existing and previously submitted Restrictive Covenant is still applicable. All other facilities will check the "N/A" check box. The Restrictive Covenant needs to include both a legal description of the included areas and a map. The map needs to depict: the facility boundary, the solid waste boundary, and the area covered in the Restrictive Covenant. In addition, the figure depicting the area covered in the Restrictive Covenant needs to label the Metes and Bounds for each section of the traverse.

**Perpetual Care Fund Agreement:** Type II and Type III landfills should check whichever of the right two check boxes applies. Either a new perpetual care fund agreement is attached, or the existing perpetual care fund agreement is still applicable. All other facilities will check the "N/A" check box.

**Perpetual Care Fund Financial Statement:** Landfills must submit documentation of the current amount in the perpetual care fund agreement as part of the financial assurance documentation if applicable and will check the "Attached" check box. All other facilities will check the "N/A" check box.

**Financial Assurance Documents:** Include a copy of all new financial assurance mechanism(s) and a copy of new financial assurance cash payment(s) for the facility and check the "attached" check box. If no increase in bonding is required for Type II and Type III facilities because of increases to the perpetual care fund and/or decreases in the total financial assurance required or because existing financial mechanisms meeting the financial assurance requirements are still in effect, check the "N/A" check box.

**NOTE:** The procedure for the submittal of *cash bonds* changed in 2007. As is the case for the original WORKSHEET and FEE, cash bonds are also to be sent to the Cashiers Office; a *copy* of each cash bond needs to be submitted as an attachment to the application.

**NOTE:** *Original financial assurance instruments(s)* are to be submitted directly to the Storage Tank and Solid Waste Section; a *copy* of each *financial assurance instrument(s)* is to be

submitted with the application. The mailing address for the Storage Tank and Solid Waste Section is:

**Storage Tank and Solid Waste Section  
Waste and Hazardous Materials Division  
P.O. Box 30241  
Lansing, Michigan 48909**

**Financial Assurance Forms A, B, C, and D:** Type II and Type III landfills should include the appropriate Forms A, B, C, and D and check the corresponding check box for the forms that are attached. In most cases, Form D will not apply for either Type II or Type III landfills; if this is the case, Form D does not need to be included. Similarly, Type III landfills need not include Forms B and C. Transfer Facilities, Processing Plants, and all other Facilities need only include Form A and check the "Form A" check box as Forms B, C, and D do not apply.

**Facility Area Summary and Facility Map:** Include both a completed Facility Area Summary and Facility Map and check the "Attached" check boxes. The Facility Map needs to be on an 8½" x 11" sheet and needs to depict the property boundary, active work areas (specifically including active fill areas and leachate storage areas), fill areas that are bonded to be constructed during the licensing period, monitoring locations, permanent structures, and access road(s). NOTE: Fill areas need to depict 'cell' boundaries. Things such as contour lines, runoff patterns, cell slopes, etc., add clutter to this map and should be avoided. NOTE: Facilities other than landfills completing the "FACILITY AREA SUMMARY" sheet need to record a response in four of the form's lines; the name of the facility, Other Disposal Areas (line 10), the "Total" line, and the signature line. Landfills need to record a response in all of the form's lines.

## **SECTION VIII. TYPE OF WASTE**

If there is no change in the type of waste-stream from that authorized in the preceding license, check the "**Same as previously authorized**" check box. If there is a change in the waste-stream or if this is the first application for a Type III Industrial or Low Hazard Industrial Landfill, check the "**Change or First Application**" check box. If this is the case, attach a separate description of the waste-stream including the requisite waste classification testing per R 299.4118. NOTE: Certain Type III Industrial facilities may need to submit leaching test results pursuant to R 299.4311 to assist in the evaluation of groundwater contamination potential. These testing results may thus be a requisite part of the license application. NOTE: First applications for Municipal Solid Waste Landfills need not attach separate description.

## **SECTION IX. SPECIAL CONDITION(S)**

If there were no special conditions authorized in the preceding license or if there are no requests to include any special condition with this application, check the "N/A" check box. If there were special conditions authorized in the preceding license that are requested to continue or if there is a new request to include a special condition with this license, proceed to the following three lines and make the appropriate selection(s). If the request is new or a change in condition, check the "Request Attached" check box. If the request is to continue a special condition that is already approved in the existing license, check the "Request Previously Approved" check box AND record the original date of approval/authorization.

NOTE: Special Conditions are mostly applicable to Type II and Type III landfills. The two most frequently requested special conditions for landfills, "Alternative Daily Cover(s)" and "Leachate Recirculation," are listed for convenience.

### **CERTIFICATION SIGNATURE SECTION**

The Operator, Facility Owner, and Property Owner(s) all must sign the application. If an individual is signing on behalf of the operator, of facility owner, or the property owner(s) check the "as agent for" check box to certify that he or she is fully authorized by that person(s) to sign as an agent for that person. If you are signing as an agent for the operator, facility owner, or property owner please provide documentation establishing your authority to act on their behalf.

### **MISCELLANEOUS**

If the application is for a disposal area in Wayne County, return the appropriate portions of the completed application and attachments to the DEQ through the health officer of the Wayne County Department of Environment. All other disposal area(s) should return the completed application and all attachments directly to the DEQ through the WHMD District.

**NOTE:** The application fee, the original signed "LICENSE TO OPERATE APPLICATION FEE WORKSHEET/TABLE" sheet, and any cash bond(s) is to be submitted directly and separately to the DEQ's Cashier's Office as instructed on the worksheet; a copy of each is to be submitted with the application.

### **Page 2 of 3: FACILITY AREA SUMMARY**

The Facility Area Summary form was developed to allow the applicant to identify how the area(s) at the solid waste disposal area will be used during the license period. The form is divided into three sections, the Legal Name of Facility is located at the top of the form, the signatory line at the bottom of the form is for the person who prepared the form, and the largest area on the form is to record the Detailed Facility Description.

The Legal Name of Facility is the legal name of the solid waste disposal area as established in the construction permit or first license for the facility. The Legal Name of Facility shall be used as the facility name in all subsequent applications for licensing and/or permitting.

The Detailed Facility Description contains descriptions for ten areas. We have attempted to include a line item for all situations. Please contact the local WHMD District Office if there are questions on applicability.

On the right hand side of the form, adjacent to each of the Area Descriptions, is the location to record the Acreage Subtotal for each of the ten Area Descriptions. Immediately below this column is the location to record the acreage of the "**Facility Area TOTAL.**" It is this 'total' acreage that will be used in the license of all facilities. These ten areas are needed to complete drafting the license for the solid waste landfill. Transfer stations and processing facilities will likely only complete lines 6, 10, and the 'TOTAL' line.

1. ☐ **Active Portions not at Final Grade.** To be an active portion, it must have been included in the previous license as either; an active portion, or a constructed area certified with the previous application, or an unconstructed area with financial assurance that was

both **constructed and certified** during the previous license period. Three subcategories have been included.

Active portions not at final grade are one of three areas in the license that can receive solid waste during the license period.

2. ☐ **Constructed Areas Certified with this Application.** This is the second of three areas in the license that can receive solid waste during the license period. This area is not authorized in the previous license to receive waste as “active” because it was just constructed. The construction certification by a registered professional engineer must be included with the application. This certification must be reviewed by district as part of the district review and it must be approvable. Certifications submitted with the license application that are approvable, will be approved via the license.
3. ☐ **Unconstructed Area(s) with Financial Assurance.** This is the third of the three areas in the license that can receive solid waste during the license period. This area, unlike the previous two areas, is not authorized to accept waste at the time that the license is issued because it is not constructed yet. Although this area is unconstructed at the time of licensing, the intention is to construct this area during the licensing period. The requisite financial assurance needed for the area to be authorized to receive waste once the area is constructed and certification is submitted for DEQ review, must be submitted with the application.

After licensure, when the construction is completed and **certification** is submitted to the district, the district will review the certification, and if approvable, provide written notice to the Licensee that the certification is approved before waste may be disposed in the new cell.
4. ☐ **Unconstructed Area(s) without Financial Assurance.** This area is unconstructed at the time of licensing and there is no plan to construct this area during the licensing period. financial assurance is not required. Solid waste can not be received in this area during the license period. Subcategories for both type II and type III facilities have been included.
5. ☐ **Unclosed Type II(MSW) Area(s) at Final Grade.** This area is at final grade and thus, there is no additional capacity in this area for waste. This area is **unclosed** which means it has not received final cover. Because there is no final cover, there can be no closure certification. Therefore, this area must include financial assurance. Solid waste can not be received in this area during the license period.
6. ☐ **Partially Closed Area(s).** Partially closed refers to a *portion* of a unit that is totally closed not to an area or a part of an area having some parts of closure work done. Partially closed area(s) normally are at final grade and are **closed** which means the area has received final cover and the final cover has approved closure certification. Because the area is ‘closed,’ this area can not receive solid waste. Lastly, this area also must have financial assurance. The ‘thirty year post-closure clock’ doesn’t start until the entire **unit** has received certification of final closure.
7. ☐ **Isolation and Ancillary Area.** This area is all of the area of the FACILITY that is not included in the other nine descriptions. It is all of the area of the Facility that has not and will not receive solid waste. In fact, this area can not receive solid waste unless there is a permit change. This area includes all areas used for isolation and all ancillary areas such as access roads, equipment storage, areas for soil borrow, et cetera. Isolation and Ancillary Area is acreage that is not included in Financial Assurance.

8. ☐ **Other Disposal Areas.** This area includes all other disposal areas that are not included in lines 1-5 and 7-9 such as solid waste transfer facilities, solid waste processing plants, and/or Type III landfills. The one 'other' disposal area that is named in the rules is 'Waste Pile.' Please consult with DEQ staff before including other solid waste areas that don't 'fit' into one of the previously described areas.

The next line on the Facility Area Summary Sheet is a heading for the next two descriptions and is:

**Closed Unit(s). The following Unit(s) are final closed.** This heading applies to the next two descriptions. Both are "Units." The first description, line nine, is for Pre-existing Units(s) and the second description, line ten, is for Existing Unit(s). The two words in this heading that are most important are 'unit(s)' and 'closed.' One can define UNIT as an accumulation of waste that is surrounded and contained by a liner-final cover system.

Equally import is the word 'closed.' To be closed, three things must be met:

- a) Final cover must be in place.
- b) Final cover must be properly certified.
- c) Certification must be approved by WHMD.

Because the 'unit' is closed, it can not receive solid waste.

9. ☐ **Pre-existing Type II (MSW) Unit(s).** Because the heading for lines nine and ten indicates that "the following units are final closed," line nine really reads Closed Pre-existing Type II (MSW) Unit(s). To be included in this description, this area must be a complete and whole unit, closed, and a pre-existing unit. A pre-existing unit, as defined in the Part 115, Solid Waste Management, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, (Part 115), means any landfill unit which is or was licensed pursuant to the provisions of Part 115, but which does not receive waste after October 9, 1993.
10. ☐ **Existing Type II (MSW) Unit(s).** This area is exactly similar to line nine. Because the heading for lines nine and ten tells us that "the following units are final closed," line ten really reads Closed Existing Type II (MSW) Unit(s). To be included in this description, this area must be a complete and whole unit, closed, and an existing unit. The 1993 Administrative Rules of Part 115 contains the following definition:
- "Existing unit" or "existing landfill unit" means any landfill unit that receives solid waste as of October 9, 1993. Waste placement in existing landfill units shall be consistent with past operating practices or modified practices to ensure good management."

The last space on the bottom of the page is for the Preparer's Signature, their TITLE, and the DATE that they signed the Facility Area Summary Sheet. Directly under the signature is where the preparer's NAME is to be TYPED or PRINTED.





Instructions not developed.